



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,666	07/11/2001	Masayuki Fujisawa	1248-0546P	7833

2292 7590 10/06/2003

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

CHEN, CHONGSHAN

ART UNIT	PAPER NUMBER
----------	--------------

2172

DATE MAILED: 10/06/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,666

Applicant(s)

FUJISAWA, MASAYUKI

Examiner

Chongshan Chen

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-19 are pending in this Office Action.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The reference cited in the IDS, PTO-1449, Paper No. 3 has been considered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazaki et al. ("Okazaki", JP 11-212995) in view of Ludtke et al. ("Ludtke", 6,434,596).

As per claim 1, Okazaki teaches a data communication apparatus, which utilizes hypertext data stored in a server apparatus via a network, comprising:

schedule processing means for processing the request for obtaining the hypertext data based on the schedule data in on-line operation in which the data communication apparatus is connected to the network (Okazaki, page 2, [0007]).

Okazaki does not explicitly teaches generating and storing schedule data based on a request for obtaining the hypertext data which occurs in off-line operation in which the data communication apparatus is not connected to the network. Ludtke teaches generating and storing schedule data based on a request for obtaining the hypertext data which occurs in off-line operation in which the data communication apparatus is not connected to the network (Ludtke, col. 2, lines 11-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ludtke with Okazaki so that the requesting devices to can transparently offload requests and the associated data to a proxy device when a servicing device is off-line, thereby allowing the requesting devices to perform other tasks (Ludtke, col. 3, lines 29-32).

As per claim 2, Okazaki and Ludtke teach all the claimed subject matters as discussed in claim 1, and further teach

clocking means which detects present time and date (Okazaki, page 4, [0012], [0016], [0023]); and

connection control means which connects the data communication apparatus to the network to establish on-line operation at predetermined time and date in accordance with the time and date detected by the clocking means (Okazaki, page 4, [0023]).

As per claim 3, Okazaki and Ludtke teach all the claimed subject matters as discussed in claim 1, and further teach set time and date of connection for each schedule data (Okazaki, page 4, [0012], [0016], [0023]).

As per claim 4, Okazaki teaches the data communication apparatus as set forth in claim 1, comprising:

data storing means for storing the hypertext data obtained from the server apparatus (Okazaki, Fig. 1, page 5, [0034]);

data reading out means for reading out the hypertext data stored in the data storing means (Okazaki, page 5, [0034]); and

data display means for displaying the hypertext data read out by the data reading out means (Okazaki, page 5, [0034]).

Okazaki does not teach wherein the hypertext data, which was requested to be obtained in the off-line operation is linked with hypertext data which is displayed by the data display means in the off-line operation. Ludtke teaches the data was requested to be obtained in the off-line operation (Ludtke, col. 3, lines 26-45).

As per claim 5, Okazaki teaches a data communication apparatus, which utilizes hypertext data stored in a server apparatus via a network comprising:

schedule processing means for processing the request for transmitting the data based on the schedule data in on-line operation in which the data communication apparatus is connected to the network (Okazaki, page 2, [0007]).

Okazaki does not explicitly teach schedule generating means for generating and storing schedule data based on a request for transmitting the data to the server apparatus which occurs in off-line operation in which the data communication apparatus is not connected to the network. Ludtke teaches generating and storing schedule data based on a request for transmitting the data to the server apparatus which occurs in off-line operation in which the data communication apparatus is not connected to the network (Ludtke, col. 2, lines 11-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine

Ludtke with Okazaki so that the requesting devices to can transparently offload requests and the associated data to a proxy device when a servicing device is off-line, thereby allowing the requesting devices to perform other tasks (Ludtke, col. 3, lines 29-32).

Claims 6-7 are rejected on grounds corresponding to the reasons given above for claims 2-3.

Claims 8-10 are rejected on grounds corresponding to the reasons given above for claims 1-3.

Claim 11 is rejected on grounds corresponding to the reasons given above for claim 5.

Claims 12-13 are rejected on grounds corresponding to the reasons given above for claims 2-3.

As per claim 14, Okazaki teaches a data communication program executable to operate a computer as:

schedule processing means for processing the request for obtaining the hypertext data based on the schedule data in on-line operation in which the data communication apparatus is connected to the network (Okazaki, page 2, [0007]).

Okazaki does not explicitly teach schedule generating means, for generating and storing schedule data, based on a request for obtaining the hypertext data which occurs in off-line operation in which a data communication apparatus which utilizes hypertext data stored in a server apparatus via a network is not connected to the network. Ludtke teaches schedule generating means, for generating and storing schedule data, based on a request for obtaining the hypertext data which occurs in off-line operation in which a data communication apparatus which utilizes hypertext data stored in a server apparatus via a network is not connected to the

network (Ludtke, col. 3, lines 26-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ludtke with Okazaki so that the requesting devices to can transparently offload requests and the associated data to a proxy device when a servicing device is off-line, thereby allowing the requesting devices to perform other tasks (Ludtke, col. 3, lines 29-32).

Claim 15 is rejected on grounds corresponding to the reasons given above for claim 2.

As per claim 16, Okazaki teaches a data communication program executable to operate a computer as:

schedule processing means for processing the request for transmitting the data based on the schedule data in on-line operation in which the data communication apparatus is connected to the network (Okazaki, page 2, [0007]).

Okazaki does not explicitly teach schedule generating means, for generating and storing schedule data, based on a request for transmitting data to the server apparatus which occurs in off-line operation in which the data communication apparatus which utilizes hypertext data stored in a server apparatus via a network is not connected to the network. Ludtke teaches schedule generating means, for generating and storing schedule data, based on a request for transmitting data to the server apparatus which occurs in off-line operation in which the data communication apparatus which utilizes hypertext data stored in a server apparatus via a network is not connected to the network (Ludtke, col. 3, lines 26-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Ludtke with Okazaki so that the requesting devices to can transparently offload requests and the

associated data to a proxy device when a servicing device is off-line, thereby allowing the requesting devices to perform other tasks (Ludtke, col. 3, lines 29-32).

Claim 17 is rejected on grounds corresponding to the reasons given above for claim 2.

Claim 18 is rejected on grounds corresponding to the reasons given above for claim 14.

Claim 19 is rejected on grounds corresponding to the reasons given above for claim 16.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (703) 305-8319.

The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703)305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Chongshan Chen


SHAHID ALAM
PRIMARY EXAMINER